

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA

v.

LIONEL COLE,

Defendant.

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Criminal Case No. 11-cr-129-01-SM

INDICTMENT

The Grand Jury charges:

COUNT ONE

21 U.S.C. § 841(a)(1)

Possession of Oxycodone with Intent to Distribute

On or about July 13, 2011, in the District of New Hampshire, the defendant,

LIONEL COLE,

did knowingly and intentionally possess oxycodone, a Schedule II controlled substance, with the intent to distribute, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO

18 U.S.C. § 924(c)

Possession of a Firearm in Furtherance of a Drug Trafficking Offense

On or about July 13, 2011, in the District of New Hampshire, the defendant,

LIONEL COLE,

did knowingly possess a firearm, that is a Glock 9 mm hand gun (Serial No. NVC378), in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is possession of a controlled substance, oxycodone, with intent to distribute, contrary to Title 21, United States Code, 841(a)(1), in violation of Title 18, United States Code, Section 924(c)(1)(A).

**NOTICE OF CRIMINAL FORFEITURE PURSUANT TO
21 U.S.C. § 853(a)(1) AND (2)
FORFEITABLE PROPERTY**

The allegations of Count One and Count Two of this Indictment are hereby re-alleged as if fully set forth herein and incorporated by reference for the purpose of alleging forfeitures pursuant to 21 U.S.C. § 853(a)(1), and (2). Upon conviction of the offense alleged in Count One of this Indictment, the defendant shall forfeit to the United States, pursuant to 21 U.S.C.

§ 853(a)(1), and (2):

- (a) any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the conduct charged in Count One, in violation of 21 U.S.C. § 841, including but not limited to, \$2,740.00 in U.S. Currency seized from 263 Manchester Street, Third Floor, Manchester, New Hampshire, on July 13, 2011;
- (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the conduct charged in Count One in violation of 21 U.S.C. § 841, including, but not limited to, one Glock 9 mm hand gun (Serial No. NVC378) seized from 263 Manchester Street, Third Floor, Manchester, New Hampshire, on July 13, 2011; and
- (c) a sum of money representing the amount of proceeds obtained as a result of the commission of the violation charged in Count One.

Upon conviction of the offense alleged in Count Two of this Indictment, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d), any firearms or ammunition used in the commission of the offense, including but not limited to: one Glock 9 mm hand gun

(Serial No. NVC378) seized from 263 Manchester Street, Third Floor, Manchester, New Hampshire, on July 13, 2011.

Dated: September 7, 2011

A TRUE BILL

/s/ Foreperson
Foreperson

JOHN P. KACAVAS
United States Attorney

By: /s/ William E. Morse
William E. Morse
Assistant United States Attorney
District of New Hampshire